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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/624,227 | 07/22/2003 | Marta I. Rendon | 013363-05881 | 7807 |

22914 7590 10/10/2006

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| EXAMINER |
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CHANNAVAJJALA, LAKSHMI SARADA

| ART UNIT | PAPER NUMBER |
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1615

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/624,227

Applicant(s)

RENDON, MARTA I.

Examiner

Lakshmi S. Channavajjala

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>7-22-03</u> . | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Receipt of IDS dated 7-22-03 is acknowledged.

Claims 1-20 are pending in the instant application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US2004/0137077 to Ancira et al ('077) and WO 0094/15626 (WO, abstract only) in view of US 6,300,369 to Ancira ('369).

'077 teach a composition for the treatment of seborrheic keratoses, hyperpigmentation and other skin conditions associated with seborrheic keratoses, comprising applying at least one or more of melanin inhibitors. Among the melanin inhibitors, '077 teach instant claimed kojic acid, arbutin and phytic acid [0034]. In particular, the composition of example C of '077 recites a combination of melanin inhibitors, Kojic acid and arbutin. Thus, it is known in the art to employ a combination of melanin inhibitors for the treatment of hyperpigmentation. '077 fail to teach Vismia of the instant claims.

WO teaches a cosmetic composition containing Vismia extract, which is used for promoting collagen synthesis, particularly for skin aging or enhancing skin firmness

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(abstract). WO does not teach a combination of the claimed components or the treatment of hyperpigmentation with Vismia.

'369 teach a skin peel composition comprising kojic acid as the primary active agent for the treatment of hyperpigmentation or melanocytic hyperactivity (col. 2, lines 30 through col.3, lines 24). In addition to treating hyperpigmentation, '369 teach including compounds that provide the barrier protection effects, protect mechanical properties of stratum corneum and acceleration of collagen formation (col. 3). '369 does not teach Vismia of instant claims but teaches obtaining a synergistic beneficial effect of treating aged, photo damaged and hyperpigmented skin by combining the skin lightening, skin peeling treatments (col. 8, L 7-21).

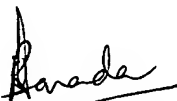
Accordingly, it would have been obvious for one of an ordinary skill in the art at the time of the instant invention was made to include the collagen stimulating Vismia extract of WO in the skin-lightening composition of '077 containing a combination of kojic acid, phytic acid and arbutin (all of them directed to hyperpigmentation) because '369 suggests combining the treatment of hyperpigmentation as well as anti-aging so as to achieve a beneficial combination effect in one treatment. Further, optimizing the amounts of individual components with an expectation of achieving a combination of beneficial effects i.e., treatment for aging as well as hyperpigmentation would have been within the scope of a skilled artisan.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lakshmi S. Channavajjala whose telephone number is 571-272-0591. The examiner can normally be reached on 7.00 AM -4.00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward can be reached on 571-272-8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Lakshmi S Channavajjala
Primary Examiner
Art Unit 1615
September 29, 2006